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Item 11 (a) of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

REVIEW OF DEVELOPMENTS RELATED TO RECOMMENDATIONS MADE IN EARLIEP STUDIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1997]

GE.97-13248 (E)

1. The International Federation of Human Rights (FIDH) and the Vietnam Committee on Human Rights are deeply concerned by the serious obstacles in the implementation of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief in many regions in the world. In this respect, the situation in the Socialist Republic of Viet Nam is of particular concern. Although the Government has recently adopted more subtle methods of suppressing religious activities, it continues to implement a systematic policy of repression against all religious communities (Buddhist, Roman Catholic, Cao Dai, Hoa Hao, Protestant, etc.). The main target of this policy is the independent Unified Buddhist Church of Vietnam (UBCV). This traditional Buddhist Church is adhered to by 80 per cent of the population, despite the fact that the State-sponsored body, the Vietnam Buddhist Church, is the only Buddhist organization recognized by the Government of Viet Nam today.

2. Because of their non-violent advocacy of religious freedom, UBCV clergy and followers are intimidated and harrassed, and today virtually the entire UBCV leadership is in prison or under house arrest, including:

(a) 79-year-old Thich Huyen Quang (secular name Le Dinh Nhan) who has been detained without trial for almost two decades because of his non-violent advocacy of religious freedom. Detained since 1982 at Hoi Phuoc pagoda in Quang Ngai province for protesting against the establishment of the State-sponsored Vietnam Buddhist Church, he was appointed to succeed Thich Don Hau as Patriarch of the UBCV in 1992. Despite his detention, he continues to make public appeals for religious freedom and human rights, notably a landmark "Declaration" (20 November 1993) calling for democratic reforms. On 29 December 1994, Thich Huyen Quang was accused of authorizing a UBCV relief mission to distribute aid to flood victims in the Mekong Delta and placed in custody in Nghia Hanh village, Quang Ngai. Thich Huyen Quang is still being detained without charge, forbidden to receive medical treatment, or visits from the ICRC. He is in extremely poor health;

(b) UBCV Secretary-General Thich Quang Do (Dang Phuc Tue), a well-known writer and scholar, who has spent more than 18 years in detention. Security police justified his arrest in 1982 and subsequent 10-year detention under house arrest by saying: "by carrying out religious activities, you are ipso facto being politically active". He escaped from house arrest in 1992 and returned home to the Thanh Minh pagoda in Ho Chi Minh City, where he continued his appeals for religious freedom and the right to existence of the UBCV. He was arrested again on 4 January 1995 and sentenced to five years' imprisonment and five years' deprivation of civil rights at a one-day closed trial on 15 August 1995 on charges of "taking advantage of democratic freedoms to violate the interests of the State". He was accused of supporting the UBCV relief mission, criticizing State religious policies, and sending faxes to Buddhists overseas. Thich Quang Do was sent from Ho Chi Minh City to Ba Sao Re-education Camp (Nam Ha province) in October 1995, then secretly transferred to the notorious B14 prison (also known as Thanh Liet, 10 km from Hanoi) in May 1996;

(c) Thich Tue Sy (Pham Van Thuong), writer and philosopher, and Thich Tri Sieu (Le Manh That), historian, both born in 1943, who were arrested in 1984 and detained without trial for four years before being sentenced to death by the Ho Chi Minh City People's Tribunal on 30 September 1988 for "anti-governmental activities". Their sentence was commuted to 20 years' hard labour following an international campaign launched by the Vietnam Committee on Human Rights. Thich Tue Sy was detained in A20 Re-education Camp in Phu Yen province until 1994, when he joined other political prisoners in a protest over the camp's ban on their meeting with the United Nations Working Group on Arbitrary Detention which visited the camp in October 1994. He suffers from bronchitis and malnutrition. Thich Tri Sieu (Le Manh That) is detained in Z30 A Re-education Camp, Dong Nai province. In November 1995, he was detained in a solitary confinement cell in a zone reserved for tuberculosis prisoners after he and other prisoners called for democracy during a political indoctrination session. He is extremely weak from ill-treatment and lack of medical care;

(d) Thich Tri Tuu (Le Quang Vinh), Superior Monk of Linh Mu pagoda in Hue, who was arrested on 5 June 1993 and sentenced on 15 November 1993 to four years in prison at an unfair trial in the People's Army Barracks on charges of "disturbing public order". Thich Tri Tuu had staged a hunger strike at the Hue People's Committee after security police tried to force him to sign false statements concerning a Buddhist (Nguyen Ngoc Dung) who immolated himself at Linh Mu pagoda. This triggered off a demonstration in which 40,000 Buddhists took to the streets on 24 May 1993. Thich Tri Tuu was accused of "incitation" even though he was in Police custody at the time. He was detained in Ba Sao camp under extremely harsh conditions. Thich Tri Tuu was released from Ba Sao on 5 March 1997 after completing his sentence, but security police took him directly from prison to the Tay Thien pagoda in Hue where he is now under house arrest. He is not allowed to communicate with the outside, and is forbidden to resume his religious functions at Linh Mu pagoda where he has lived since he was five years old. He is reportedly in poor health as a result of frequent hunger strikes;

(e) Thich Khong Tanh (Phan Ngoc An), Superior Monk of Lien Tri pagoda in Thu Duc, and Thich Nhat Ban (Ho Buu Hoa), each of whom spent 10 years in re-education camp for protesting against the State's policy of conscripting Buddhist monks into the army. They were again arrested in 1994 for taking part in the UBCV relief mission and sentenced to four to five years' imprisonment in Ho Chi Minh City on 15 August 1995 on charges of "undermining religious solidarity" and "taking advantage of democratic freedoms to violate the interests of the State" Thich Khong Tanh and Thich Nhat Ban are now serving forced labour in Z30 A camp, Dong Nai;

(f) Thich Hai Tang (Nguyen Dinh Hoa) who was arrested on 6 June 1993 and sentenced to four years in prison in connection with the 24 May 1993 Buddhist demonstration in Hue. He had been previously arrested and detained for 24 hours for "possession of anti-Socialist propaganda", i.e. a Vietnamese translation of the Universal Declaration of Human Rights. Transferred in August 1993 to the notorious B14 prison, he was detained for over nine months in an underground solitary detention cell. Thich Hai Tang completed his

sentence on 5 December 1996, but was forbidden to return home to Linh Mu pagoda. He is now under house arrest in Quang Tri, and is forbidden to exercise his religious activities;

(g) Thich Hai Thinh (Le Phu Thinh) and Thich Hai Chanh (Nguyen Chon Tam) who received three-year prison sentences on charges of "disturbing public order" for their peaceful participation in the demonstration of 40,000 Buddhists. After their release, the monks were again arrested by security police on 22 November 1996 during a security sweep on Linh Mu pagoda. In 1996, the authorities declared the pagoda to be a "national heritage site", and have used this as a pretext to place it under government control and expel all UBCV monks. Thich Hai Thinh and Thich Hai Chanh are now under house arrest in their native villages;

(h) Thich Hanh Duc (Vo Hanh Duc), Superior Monk of Son Linh pagoda, Vung Tau-Ba Ria province who was harassed, expelled manu militari from his pagoda, arrested and subsequently condemned to three years in prison on 5 January 1994 on charges of "obstruction" because of his public support of the UBCV and its Patriarch Thich Huyen Quang. Detained in K1 Gia Trung prison, Pleiku, Thich Hanh Duc was shackled, detained in solitary confinement and deprived of communications. Released in July 1996 after completing his sentence, Thich Hanh Duc found that his pagoda and all its belongings had been confiscated by the authorities. He is now forced to live as an illegal citizen;

(i) Thich Thien Minh (Huynh Van Ba) who is serving a double life-sentence at Z30 A camp. He was convicted, at unfair closed trials, on charges of "attempting to overthrow the people's government" (1979) and attempted escape (1986). Thich Thien Minh is believed to be detained solely on account of his membership in the UBCV;

(j) Thich Hue Dang (Nguyen Ngoc Dat), who was sentenced to 20 years in prison on 28 May 1992 for writing pamphlets on Buddhism and democratic reform which allegedly sought to "arouse the masses to oppose the [Communist] Party". No defence lawyer was present at his trial.

3. These systematic violations of the right to religous freedom, which is a non-derogable right, are particularly disturbing in view of the Vietnamese Government's uncooperative attitude and lack of compliance with relevant United Nations mechanisms. In his report to the fifty-third session of the United Nations Commission on Human Rights (E/CN.4/1997/91), the Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, regretted that Viet Nam had not replied to any of his submissions, nor given a definitive response to his request to make an in situ visit, despite the fact that violations of the right to life, physical integrity and health of persons (clergy and believers), as well as cases of ill-treatment, arrests and detention in Viet Nam, had been identified in his report.

4. This attitude is all the more serious in view of recent statements made by Vietnamese leaders during the visit of United States Secretary of State Madeleine Albright to Viet Nam in June 1997, to the effect that human rights in Viet Nam do not have the same value as in the United States of America. FIDH and the Vietnam Committee wish to stress that Viet Nam has signed and ratified the International Covenant on Civil and Political Rights, thus formally recognizing the universal value of rights enshrined in the Covenant and the Universal Declaration on Human Rights and reaffirmed in the 1993 Vienna Declaration. Viet Nam's derogation from universally recognized human rights is a serious violation of its binding obligation to the international community.